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11 *Attorneys for Plaintiff Jeremiah Archambault*
and the Class

12
13 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

14
15 JEREMIAH ARCHAMBAULT,
16 INDIVIDUALLY AND ON BEHALF OF ALL
OTHERS SIMILARLY SITUATED,

Case No.: 2:24-cv-01691-GMN-DJA

17 PLAINTIFF,

18 V.
19
20 RIVERSIDE RESORT & CASINO INC. AND
RIVERSIDE RESORT & CASINO, LLC,
21
DEFENDANTS.

22
23 MICHAEL J. MONTOYA, INDIVIDUALLY
24 AND ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED,

Case No.: 2:24-cv-01692

25 PLAINTIFF,

26 V.
27
28 RIVERSIDE RESORT & CASINO LLC,

1 DEFENDANT.

2

3 FLOYD M. PATTEN, INDIVIDUALLY AND
4 ON BEHALF OF ALL OTHERS SIMILARLY
5 SITUATED,

6 PLAINTIFF,

7 V.

8 RIVERSIDE RESORT & CASINO INC.,

9 DEFENDANT.

10 ROBERT DAPELLO AND JONATHAN
11 FARNAM, INDIVIDUALLY AND ON
12 BEHALF OF ALL OTHERS SIMILARLY
13 SITUATED,

14 PLAINTIFFS,

15 V.

16 RIVERSIDE RESORT & CASINO INC. AND
17 RIVERSIDE RESORT & CASINO, LLC,

18 DEFENDANTS.

19 GARY LESTER, INDIVIDUALLY AND ON
20 BEHALF OF ALL OTHERS SIMILARLY
21 SITUATED,

22 PLAINTIFFS,

23 V.

24 DON LAUGHLIN'S RIVERSIDE RESORT
25 HOTEL & CASINO D/B/A RIVERSIDE
26 RESORT & CASINO,

27 DEFENDANTS.

2 Case No.: 2:24-cv-01695

3 Case No.: 2:24-cv-01732

4 Case No.: 2:24-cv-01760

1 DARLENE MARTIN AND DAVID WILLEY,
2 INDIVIDUALLY AND ON BEHALF OF ALL
3 OTHERS SIMILARLY SITUATED,

4 PLAINTIFFS,

5 V.

6 RIVERSIDE RESORT & CASINO INC. AND
7 RIVERSIDE RESORT & CASINO, LLC,

8 DEFENDANTS.

Case No.: 2:24-cv-01767

9

10 **[PROPOSED] ORDER GRANTING**
CONSOLIDATION UNDER FED. R. CIV. P. 42(A)(2) AND APPOINTMENT OF
INTERIM CLASS COUNSEL UNDER FED. R. CIV. P. 23(G)

11 WHEREAS, Plaintiffs Jeremiah Archambault, Michael J. Montoya, Floyd M. Patten,
12 Robert Dapello, Jonathan Farnam, Gary Lester, Darlene Martin, and David Willey in six related
13 cases pending before this Court, *Archambault v. Riverside Resort & Casino, Inc. and Riverside*
14 *Resort & Casino, LLC*, Case No. 2:24-cv-1691 (D. Nev.) (hereafter the “*Archambault Action*”),
15 *Montoya v. Riverside Resort & Casino, Inc.*, Case No. 2:24-cv-1692 (D. Nev.) (hereafter the
16 “*Montoya Action*”), *Patten v. Riverside Resort & Casino, Inc.*, Case No. 2:24-cv-1695 (D. Nev.)
17 (hereafter the “*Patten Action*”), *Dapello v. Riverside Resort & Casino, Inc. and Riverside Resort*
18 *& Casino, LLC*, Case No. 2:24-cv-01732 (D. Nev.) (hereafter the “*Dapello Action*”), *Lester v. Don*
19 *Laughlin’s Riverside Resort & Casino*, Case No. 2:24-cv-01760 (D. Nev.) (hereafter the “*Lester*
20 Action”), and *Martin v. Riverside Resort & Casino, Inc. and Riverside Resort & Casino, LLC*,
21 Case No. 2:24-cv-01767 (D. Nev.) (hereafter the “*Martin Action*”) (together the “Related
22 Actions”) agree, that these actions, as well as any subsequently filed or transferred related actions,
23 for all purposes, including pretrial proceedings and trial, should be consolidated pursuant to
24 Federal Rule of Civil Procedure 42(a) (“Rule 42(a)”; and
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1 WHEREAS, the complaints in the Related Actions relate to the same, common factual
2 allegations and legal theories; the Related Actions assert multiple common causes of action against
3 the common Defendant relating to the same factual underpinnings, and seek the same relief in
4 response to the same event; and the Related Actions commonly seek certification of an overlapping
5 nationwide class and allege that class members suffered harm as a result of the Data Breach
6 because their PII was exposed to third parties without their authorization.
7

8 NOW, THEREFORE, GOOD CAUSE APPEARING, the Court so Orders as follows:

9 1. The *Archambault, Montoya, Patten, Dapello, Lester, and Martin* Actions currently
10 pending in this District, and any other action arising out of the same or similar operative facts now
11 pending or hereafter filed in, removed to, or transferred to this District, shall be consolidated for
12 pre-trial purposes pursuant to Rule 42(a) (hereafter the “Consolidated Action”).
13

14 2. All papers filed in the Consolidated Action shall be filed under Case No. 2:24-cv-
15 1691, the number assigned to the first-filed case, and shall bear the following caption: “*In re*
16 *Riverside Resort Data Breach Litigation.*”
17

18 IN RE: RIVERSIDE RESORT DATA
19 BREACH LITIGATION

Master File No.: 2:24-cv-01691

20 This Document Relates To:
21

22 3. The case file for the Consolidated Action will be maintained under Master File No.:
23 2:24-cv-01691. When a pleading is intended to apply to all actions to which this Order applies, the
24 words “All Actions” shall appear immediately after the words “This Document Relates To:” in the
25 caption described above. When a pleading is not intended to apply to all actions, the docket number
26 for each, individual action to which the paper is intended to apply and the last name of the first-
27
28

1 named plaintiff in said action shall appear immediately after the words "This Document Relates
2 To:" in the caption identified above, e.g., 2:24-cv-01691 ("Archambault").

3 4. Any action currently pending in, subsequently filed in, transferred to, or removed
4 to this Court that arises out of the same or similar operative facts as the Consolidated Action, shall
5 be consolidated with the Consolidated Action for pre-trial purposes. The parties shall file a Notice
6 of Related Action whenever a case that should be consolidated into this action is filed in,
7 transferred to, or removed to this District.

8 9 5. If the Court determines that the case is related, the clerk shall:

10 11 a. Place a copy of this Order in the separate file for such action;
12 b. Serve on Plaintiffs' counsel in the new case a copy of this Order;
13 c. Direct that this Order be served upon Defendant(s) in the new case; and
14 d. Make appropriate entry in the Master Docket.

15 16 6. In addition, pursuant to Rule 23(g), the Court appoints Raina C. Borrelli of Strauss
17 Borrelli PLLC and A. Brooke Murphy of Murphy Law Firm to serve as Interim Co-Lead Class
18 Counsel and appoints Nathan R. Ring as Liaison Counsel;

19 20 7. Interim Co-Lead Class Counsel shall have authority to speak for Plaintiffs and shall
21 be the contact between Plaintiffs' counsel and Defendant's counsel in all matters regarding pre-
22 trial procedure, trial, and settlement negotiations, and shall make all work assignments in such a
23 manner as to facilitate the orderly and efficient prosecution of this litigation and to avoid
24 duplicative or unproductive effort. Interim Co-Lead Class Counsel shall be responsible for
25 coordinating all activities and appearances on behalf of Plaintiffs and for the dissemination of
26 notices and orders of this Court. No motion, discovery request, or other pretrial proceedings shall
27 be initiated or filed by any plaintiff without the approval of Interim Co-Lead Class Counsel, so as
28 to prevent duplicative pleadings or discovery. No settlement negotiations shall be conducted
without the approval of Interim Co-Lead Class Counsel. Defendant's counsel may rely on all

1 agreements made with Interim Co-Lead Class Counsel, or other duly authorized representative of
2 Interim Co-Lead Class Counsel, and such agreements shall be binding on all plaintiffs

3 8. Plaintiffs shall file a Consolidated Complaint no later than forty-five (45) days
4 following the entry of an order appointing interim class counsel or other designated counsel.

5 9. Any response to the Consolidated Complaint shall be due within forty-five (45)
6 days from the filing of the Consolidated Complaint. All prior response deadlines are vacated.
7 Should Defendant intend to file one or more motions to dismiss, the Parties will comply with LR
8 II 7-2 with the following clarifications and/or adjustments:

9
10 a. Any opposition to a motion to dismiss shall be filed and served within forty-
11 five (45) days of the filing of the motion to dismiss; and
12 b. Any reply brief shall be filed and served within fourteen (14) days of the
13 opposition.

14 10. This Order shall apply to the above-captioned matters, any subsequently
15 consolidated action, any actions consolidated with the above-captioned matters, and any actions
16 filed in or transferred or removed to this Court relating to the fact and the data breach underlying
17 this litigation.

18 11. Interim Co-Lead Counsel must serve a copy of this Order and all future orders
19 promptly by delivery service, facsimile, or other expeditious electronic means on counsel for
20 Plaintiffs in any related action to the extent that Interim Co-Lead Counsel are aware of any such
21 action(s) and on all attorneys for Plaintiffs whose cases may subsequently consolidated with the
22 above actions but who have not yet registered for ECF.

23
24 **IT IS SO ORDERED:**

25
26 Dated: _____

27
28 United States District Judge